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DEC 05 2005

In re Application of :
Arvanitis, et al. : LETTER REGARDING PTA
Application No. 09/677,135 :
Filed: September 29, 2000 :
Atty. Dkt. No.: 10022/036 :

This letter is in response to the "REQUEST FOR REVIEW OF PATENT TERM ADJUSTMENT" filed May 6, 2005. The Office thanks applicants for their good faith and candor in bringing this to our attention.

The Office will adjust the PAIR screen to reflect that the Patent Term Adjustment (PTA) determination at the time of mailing of the Notice of Allowance and Issue Fee Due reflects an adjustment of 728 days. A copy of the updated PAIR screen showing the correct determination is enclosed.

Applicants indicate that there may be an error in the PTA calculation for the above-identified application in that the application may have been accorded more PTA than is appropriate, and request review and, if necessary, correction of the calculation.

A review of the application history reveals that the Determination of Patent Term Adjustment of 744 days is in error. An adjustment of 834 days under 37 CFR 1.702(a)(1) and 1.703(a)(1) can be attributed to the Office¹. The adjustment 834 days can be reduced a total of 106 days for applicants' failure to engage in reasonable efforts to conclude prosecution in accordance with 37 CFR 1.704².

¹ In accordance with 37 CFR 1.703(a)(1), the delay began November 30, 2001, the day after the date that is 14 months after the date on which the application was filed, and ended March 12, 2004, the date the non-final Office action was mailed.

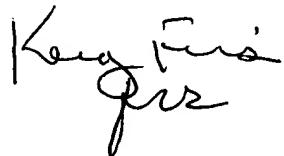
² The reduction calculations are as follows: 2 days under 37 CFR 1.704(b) commencing June 13, 2004, the day after the date that is three months after the non-final Office action was mailed on March 12, 2004, and ended June 14, 2004, the date of receipt of applicants' response; 73 days under 37 CFR 1.704(c)(8) commencing June 15, 2004, the day after the date that a response to the non-final Office action was filed, and ended August 26, 2004, the date

Accordingly, at the time of allowance, the application was entitled to an overall adjustment of 728 days.

As applicants are advising us of an error in providing too much patent term adjustment in this application, no fee is due in connection to this matter.

This application is being forwarded to the Publications Division for issuance of a patent.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.



Karin Ferriter
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: Copy of Adjustment PAIR Calculation

of submission of the Information Disclosure Statement (IDS); and 31 days under 37 CFR 1.704(c)(8) commencing November 23, 2004, the day after the date a response to the final Office action was filed, and ended December 23, 2004, the date of submission of an IDS.